

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-533-MOC-DSC

AMERICAN TIRE DISTRIBUTORS, INC.,)
)
Plaintiff,)
)
Vs.)
)
)
MATTHEW RUMBAUGH, et al.,)
)
Defendants.)

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Temporary Restraining Order, Motion for Discovery on Expedited Basis, Motion for Preliminary Injunction, (Doc. No. 5).

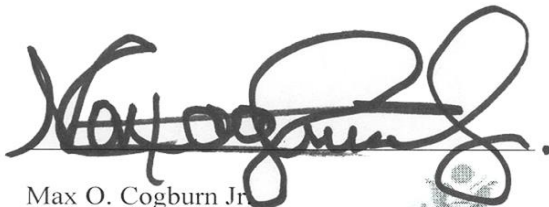
Plaintiff American Tire Distributors ("ATD") filed its Complaint in this action on September 24, 2020, seeking, inter alia, injunctive relief and money damages, arising out of Plaintiff's allegations that two its former employees—Matthew Rumbaugh and Defendant Charles Magnee—violated covenants not to compete and misappropriated Plaintiff's trade secrets when they went to work for Plaintiff's competitor, Defendant U.S. Auto Force, LLC. In its pending motion, Plaintiff seeks a temporary restraining order against Defendants, an order allowing Plaintiff to conduct targeted and limited expedited forensic discovery as to Rumbaugh and U.S. AutoForce, and a preliminary injunction against Defendants. This Court held a hearing on Plaintiff's motion on October 14, 2020.

Plaintiff's Motion for Temporary Restraining Order, Motion for Discovery on Expedited Basis, Motion for Preliminary Injunction, (Doc. No. 5), is **DENIED** in part and **GRANTED** in

part for the reasons stated in open court. That is, Plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction is denied at this time for the reasons stated in open court at the hearing held on October 14, 2020. As discussed in open court, the Motion for Discovery on Expedited Basis is granted to the extent that Plaintiff shall conduct expedited discovery from Defendant. The parties shall have until Friday, October 23, 2020, to submit to the Court their joint plan for Plaintiff to seek expedited discovery from Defendant. If the parties cannot agree on a joint plan, the parties shall notify the Court by October 23, 2020.

IT IS SO ORDERED.

Signed: October 16, 2020



Max O. Cogburn Jr.
United States District Judge